

COMMENT SHEET

OCA 1250-88

TO:  Legislation Division  
Office of Congressional Affairs

FROM: Compensation, Automation, and Planning/OP

SUBJECT: S. 2140, Federal Employees Leave Bank Act of 1988

Subject bill has been reviewed by the Office of Personnel and our position is as follows:

- ☒ No objection.
- ☒ Continue monitoring/OP interest.
- ☐ No CIA equities.
- ☐ Seek CIA exemption.
- ☐ Advise OP when enacted.
- ☒ Comments.

This bill establishes a voluntary leave bank program whereby employees who are "members" of the bank may apply to receive contributions of leave from the bank based on a personal or family medical emergency affecting the employee.

As I read this bill, I do not see any cover concerns similar to those we had with S. 1595 nor H.R. 3757. Employees will be able to donate leave only to, and receive leave only from, the leave bank established by their own employing agency. I share  interpretation of proposed section 6337(g)(1). Any transfers of leave from the leave bank of one agency to the leave bank of another agency would occur only with the approval of both agencies and only in the case of a leave recipient still having available unused leave from the bank at the time he/she terminates employment at the one agency and transfers to the other agency.

I also share Dan's concern over the requirements to include, on the Leave Bank Board, at least one member who represents a labor organization or employee group. The Agency does not have any employees who could meet this requirement since the Agency is statutorily exempt from the requirement to recognize or negotiate with unions, labor organizations or employee groups. We would be placed in a dilemma at not being able to comply with proposed section 6334(a). This issue should be raised since the Intelligence Community agencies as well as other federal agencies may have a similar situation.

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Although I agree that the concerns raised by OGC and us regarding this bill are lesser than those raised for H.R. 3757 and S. 1595, the Agency should pave the way for them to be addressed during the conference discussions.

I would like to point out that there are many features of this bill that we favor and some that we have espoused all along - our preference for the establishment of a leave/bank; the privacy afforded through a bank vs a one-on-one transfer; the administration by each agency of its own program (but in accordance with OPM regulations); the ability to donate leave to a specified recipient in addition to an nonspecific contributions of leave to the bank; the accrual of annual and sick leave up to 5 days while using leave from the bank.

cc:



Office of Congressional Affairs

STAT

22 April 1988  
Date



Name Signed

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